

## **REMARKS**

The Examiner has required restriction in the above-identified application as follows:

Group I, Claims 1-36 and 46-47, drawn to sol gel fiber device/method of making; and

Group II, Claims 37-45 and 48-49, drawn to method of using porous sol-gel fiber/sensor.

In response to the restriction requirement, Applicants hereby elect, with traverse, Group I, Claims 1-36 and 46-47, drawn to sol-gel fiber device/method of making. The Applicants, however, respectfully traverse the restriction requirement in view of the following remarks.

In particular, Applicants submit that the examination of the inventions of Groups I and II would not pose an undue burden on the Examiner. According to §803 of The Manual of Patent Examining Procedure, “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants submit that it would not pose an undue burden on the Examiner to examine the inventions represented by Groups I and II in the same application.

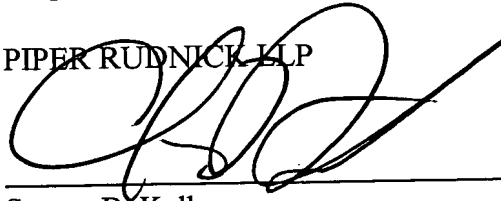
In responding to the Restriction Requirement, the Applicants take no position regarding whether the claims of Groups I and II define distinct inventions.

Applicants submit that the application is now in condition for examination on the merits.

Early notification of such action is earnestly solicited.

Respectfully submitted,

PIPER RUDNICK LLP

A handwritten signature in black ink, appearing to read 'S. Kelber', is written over a horizontal line.

Steven B. Kelber  
Registration No. 30,073  
Attorney of Record

Christopher W. Raimund  
Registration No. 47,258

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085